

**Notice of Allowability**

Application No.

09/755,442

Examiner

Matthew S. Gart

Applicant(s)

ROBB ET AL.

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Examiner's Amendment 2/5/2008.
2. ☒ The allowed claim(s) is/are 1,2,6-9 and 36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>2/5/2008</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|  | 9. <input type="checkbox"/> Other ____.  |

/Matthew S Gart/  
Primary Examiner, Art Unit 3625

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian S. Steinberger (Ph. 321-633-5080) on February 5, 2008.

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The application has been amended as follows:

***In the Claims***

1 (Currently Amended). A method of accessing classification information of different advertisements from different sellers on a web based system through customer owned personal handheld display devices, until a finite selection point is achieved by ~~users~~ customers without inputting any search queries, the ~~users include~~ customers being selected from both buyers and sellers, each ~~user~~ customer having an interest in at least one of: a good and a service, comprising the steps of:

providing a customer owned personal handheld telephone accessible display device that is selected from at least one of a pager, a cell phone, and a PDA(personal digital assistant);

providing a remote web site having advertisements from different sellers, wherein the advertisements include listed advertisements of different goods by different sellers, and listed advertisements of different services by different, each of the sellers;

connecting to the remote web site via the world wide web, solely through existing wireless telephone lines, by a customer using the customer owned personal handheld display device from a location remotely located away from the remote web site, the customer being a buyer;

accessing and viewing the remote web site having a first main menu page of category headings of the advertisements from the different sellers by the customer owned handheld display device solely through the existing wireless telephone lines at the location remotely located away from the remote web site;

first selecting and viewing at least one of the category headings on the first main menu page on the customer owned handheld display device;

accessing and viewing a second menu page having first subcategory headings from the first selecting step on the customer owned handheld display device;

second selecting and viewing at least one of the first subcategory headings on the customer owned handheld display device;

accessing and viewing a third menu page having second subcategory headings from the second selecting step on the handheld display device, the second subcategory headings being solely listed in a single vertical column on the third menu page with separate second subcategory headings solely on each line;

third selecting and viewing at least one of the second subcategory headings by scrolling down the single vertical column on the third menu page on the customer owned handheld display device; and

repeating accessing and selecting and viewing by solely scrolling down only one single vertical column on each successive menu page on the handheld display device, until the buyer reaches an end of a menu series to a finite selection list of a classification that is listed in a single vertical column of selected advertisements from the advertisements from the different sellers, wherein interaction of the accessing of the first page, the second page, the third page, and the first selecting, the second selecting and the third selecting are navigated on the handheld display device without inputting any search queries;

viewing the single column of the finite selection list of the classification by scrolling down the finite selection list of the selected advertisements from the advertisements from the different sellers on the handheld display device, without the inputting of any search queries;

requesting an unlisted item from the web based system by the buyer, the unlisted item being selected from one of: a selected good and a selected service;

instantly notifying the buyer through the customer owned handheld display device, when the unlisted item has been placed by a seller to the web based system, which matches the unlisted item; and

allowing the buyer to purchase the unlisted item from the seller.

2 (Currently Amended). The method of accessing classification information from the different advertisements from the different sellers, of claim 1, wherein the steps of accessing of the first page, the second page, the third page, and the first selecting, the second selecting and the third selecting include at least one of: a ~~user~~ customer navigating each accessing and selecting step by point and click, and the ~~user~~ customer navigating each accessing and selecting step by voice command using the customer owned handheld display device.

3-5 (Cancelled).

6 (Previously Presented). The method of accessing classification information from the different advertisements from the different sellers of claim 1, wherein the category headings include: headings for: agriculture, aircraft, antiques, automobiles, boats, heavy equipment, heavy trucks, industrial, medical, pickup trucks, recreational vehicles, and sport utility vehicles and vans.

7 (Previously Presented). The method of accessing classification information from the different advertisements from the different sellers of claim 1, wherein the category headings include different types of vehicles, and the first subcategory headings when selecting anyone of the different types of vehicles includes headings for: makes, items, and services.

8 (Previously Presented). The method of accessing classification information from the different advertisements from the different sellers of claim 1, further comprising the step of: solely listing the first subcategory headings on the second menu page in a single vertical column and selecting from the single vertical column of the first subcategory by scrolling down there through.

9 (Previously Presented). The method of accessing classification information from the different advertisements from the different sellers of claim 1, further comprising the step of: solely filtering and sorting the finite selection list of the classification into a filtered and sorted list; and

viewing the filtered and sorted list, wherein filtering and sorting only occurs at the finite selection.

10-35 (Cancelled).

36 (New). A web based system for accessing classification information of different advertisements from different sellers through customer owned personal handheld display devices, until a finite selection point is achieved by customers without inputting any search queries, the customers being selected from buyers and sellers, each customer having an interest in at least one of: a good, and a service, comprising:

a customer owned personal handheld telephone accessible display device that is selected from at least one of a pager, a cell phone, and a PDA(personal digital assistant);

a remote web site having advertisements from different sellers, wherein the advertisements include listed advertisements of different goods by different sellers, and listed advertisements of different services by different, each of the sellers;

a connection medium for connecting to the remote web site via the world wide web, solely through existing wireless telephone lines, by a customer using the customer owned personal handheld display device from a location remotely located away from the remote web site, the customer being a buyer;

a first main menu page of category headings of the advertisements from the different sellers that is accessed and viewed by the customer owned handheld display device solely through the existing wireless telephone lines at the location remotely located away from the remote web site;

a first selector for selecting and viewing at least one of the category headings on the first main menu page on the customer owned handheld display device;

a second menu page having first subcategory headings from the first selector that is accessed and viewed on the customer owned handheld display device;

a second selector for selecting and viewing at least one of the first subcategory headings on the customer owned handheld display device;

a third menu page having second subcategory headings from the second selector that is accessed and viewed on the handheld display device, the second

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subcategory headings being solely listed in a single vertical column on the third menu page with separate second subcategory headings solely on each line;

a third selector for selecting and viewing at least one of the second subcategory headings by scrolling down the single vertical column on the third menu page on the customer owned handheld display device;

at least one additional successive menu page that is accessed and viewed by solely scrolling down only one single vertical column on each additional successive menu page on the handheld display device, until the buyer reaches an end of a menu series to a finite selection list of a classification that is listed in a single vertical column of selected advertisements from the advertisements from the different sellers, wherein interaction of the accessing of the first page, the second page, the third page, and the first selector, the second selector and the third selector are navigated on the handheld display device without inputting any search queries, wherein the single column of the finite selection list of the classification is viewed by scrolling down the finite selection list of the selected advertisements from the advertisements from the different sellers on the handheld display device, without the inputting of any search queries;

a requestor for requesting an unlisted item from the web based system by the buyer , the unlisted item being selected from one of: a selected good and a selected service;

a notifier for instantly notifying the buyer through the customer owned handheld display device, when the unlisted item has been placed by a seller to the web based



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system, which matches the unlisted item, and for allowing the buyer to purchase the unlisted item from the seller.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

The most notable prior art of record is to Showghi (U.S. Patent No. 6,473,739). Showghi teaches a system and method for enabling patrons at large-scale spectator events at confined venues having identifiable seats utilizes conventional or special hand-held, wireless communication devices to self-order food, drink and souvenir items from remote order fulfillment locations within the venue for delivery to identified seats. Hierarchical menus are provided for display of items for purchase on the devices.

The prior art of record neither anticipates nor fairly and reasonably teaches a method or system, *inter alia*, comprising: a requestor for requesting an unlisted item from the web based system by the buyer, the unlisted item being selected from one of: a selected good and a selected service; and a notifier for instantly notifying the buyer through the customer owned handheld display device, when the unlisted item has been placed by a seller to the web based system, which matches the unlisted item, and for allowing the buyer to purchase the unlisted item from the seller.

Showghi is merely directed to ordering various items found on a menu, and is silent to requesting additional items not explicitly listed on said menu. Furthermore, Showghi is directed to assuring prompt and accurate delivery of orders, whereby modifying Showghi to include requesting unlisted items would effectively cause the

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system and method of Showghi to operate outside its intended purpose and would have not been obvious to one of ordinary skill in the art after consideration.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Examiner's Comment***

***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings contain hyperlinks (i.e., [theexchange.com](http://theexchange.com)) which are impermissible and require deletion. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew S Gart/

Primary Examiner, Art Unit 3625